

Telecommunications (Interception and Access) (Requirements for Authorisations, Notifications and Revocations) Amendment Determination 2012

F2012L02348

Portfolio: Attorney-General

Committee view

2.1 The committee seeks further information from the Attorney-General in relation to whether the removal of the source of the telecommunications information could have an adverse effect on a defendant charged with an offence, inconsistent with article 14 of ICCPR.

Overview

2.2 This instrument amends a previous determination made under the *Telecommunications (Interception and Access) Act 1979*. The effect of the amendments relevantly are:

- when the Australian Federal Police (AFP) disclose information to foreign law enforcement agencies, they will not be required to identify in their authorisation documents the name of the person from whom disclosure of telecommunications information was originally sought; and
- when the AFP authorises disclosure of information from foreign law enforcement agencies in their notification and revocation documents, they will not be required to identify that foreign agency.

Compatibility with human rights

2.3 The statement of compatibility states that the instrument makes technical corrections and amendments to improve ease of administration, and does not engage any human rights.

2.4 Depending on the legislative regime as a whole, removing the source of the information that led to the interception could potentially affect a defendant's ability to interrogate the evidence against him/her, which would engage the right to a fair trial under article 14 of the International Covenant on Civil and Political Rights (ICCPR).